

11/6/14

ORDINANCE NO. 29543

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-158.1; deleting the regulations prohibiting the distraction of motorists on designated highways and reserving the section; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article XIV, "Freeway Regulations," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

"SEC. 28-158.1. RESERVED [~~PROHIBITING THE DISTRACTION OF MOTORISTS ON DESIGNATED HIGHWAYS~~]."

[(a) ~~In this section:~~

(1) ~~DESIGNATED HIGHWAY~~ means any portion of the following highways in the city:

- (A) ~~Central Expressway.~~
- (B) ~~C. F. Hawn Freeway.~~
- (C) ~~Dallas North Tollway.~~
- (D) ~~Interstate Highway 20.~~
- (E) ~~Interstate Highway 30.~~
- (F) ~~John W. Carpenter Freeway.~~
- (G) ~~Julius Schepps Freeway.~~
- (H) ~~Lyndon B. Johnson Freeway.~~
- (I) ~~Marvin D. Love Freeway.~~
- (J) ~~President George Bush Turnpike.~~

- (K) ~~R. L. Thornton Freeway.~~
- (L) ~~Spur 408.~~
- (M) ~~Stemmons Freeway.~~
- (N) ~~U.S. Highway 80.~~
- (O) ~~Walton Walker Boulevard.~~
- (P) ~~Woodall Rodgers Freeway.~~

(2) ~~PROHIBITED AREA means:~~

~~(A) that portion of a designated highway between the outer curb lines or lateral lines of the roadway, including but not limited to:~~

- ~~(i) a service road; and~~
- ~~(ii) a median, divider, shoulder, berm, or strip of land (whether improved or unimproved) that is not intended for pedestrian travel; and~~

~~(B) any overpass, viaduct, or bridge over a designated highway.~~

~~(3) SIGN means any display, painting, drawing, banner, placard, device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, or other thing that is designed, used, or intended to advertise or inform.~~

~~(b) A person commits an offense if, while within the prohibited area of a designated highway, the person engages in conduct that is intended to distract the attention of motorists in a main travel lane of the highway, including but not limited to:~~

~~(1) by carrying, holding, waving, displaying, or otherwise drawing attention to a sign; or~~

~~(2) by wearing any costume, clothing, attire, or accessory intended to attract or seek the attention of the public.~~

~~(c) A person commits an offense if the person knowingly causes or permits conduct prohibited in Subsection (b) to be performed for his or her benefit by another person.~~

~~(d) It is a defense to prosecution under Subsections (b) and (c) that:~~

~~(1) the conduct was not visible to motorists in a main travel lane of the designated highway;~~

~~(2) the conduct was intended to summon police, fire, medical, or other emergency assistance or warn motorists of an immediate emergency, hazard, or danger;~~

~~(3) the conduct was being performed by a law enforcement officer or an employee or agent of a governmental entity in the performance of official duties;~~

~~(4) the sign used in the conduct was attached to a vehicle travelling on the designated highway; or~~

~~(5) the sign used in the conduct was a directional, warning, or other official sign authorized by city, state, or federal law.~~

~~(e) Before taking any enforcement action under this section, a police officer or code enforcement officer shall ask the apparent offender's reason for engaging in conduct that distracts the attention of motorists that are in a main travel lane of a designated highway. The police officer or code enforcement officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (d) is present. Before issuing a citation or making an arrest, the police officer or code enforcement officer shall give the person an oral or written warning that:~~

~~(1) requests the person to, within one minute after issuance of the warning:~~

~~(A) cease all conduct distracting the attention of motorists that are in a main travel lane of a designated highway; and~~

~~(B) completely remove from the prohibited area of the designated highway all signs being used as part of the distracting conduct; and~~

~~(2) states that failure to comply with the warning may result in the citation or arrest of the person and the removal by the city of any sign used to distract motorists.~~

~~(f) If a sign is not removed in compliance with a warning issued by a police officer or code enforcement officer under Subsection (e), the city may remove the sign and store it at a secure location. If the sign is not claimed within 60 days after removal, it will be deemed unclaimed or abandoned, and the city may sell, recycle, convert, or dispose of the sign in accordance with city ordinances and policies and any applicable state or federal laws.]'~~

SECTION 2. That Chapter 28 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

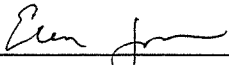
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SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By  _____
Assistant City Attorney

Passed NOV 12 2014



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL NOV 12 2014

ORDINANCE NUMBER 29543

DATE PUBLISHED NOV 15 2014

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose G. Liss".